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NOTE

From: EU co-Presidency
To: Delegations
Subject: Draft Buenos Aires declaration

Delegations will find below a draft declaration for the XIX High Level Meeting of the EU-CELAC Coordination and Cooperation Mechanism on Drugs to be held on 18-19 May 2017 in Buenos Aires, including the comments from EU delegations provided at and after the HDG meeting on 3-4 May 2017.

Changes compared to doc. 8590/17 are marked in **bold** for new text and ~~strike-through~~ for deleted text.

THE BUENOS AIRES DECLARATION

1. Having met in Buenos Aires on 18th and 19th may 2017, under the co-presidencies of Argentina and Malta, at the XIX High Level Meeting of the Coordination and Cooperation Mechanism on Drugs between the CELAC and the European Union.

2. WE REAFFIRM the importance of the Coordination and Cooperation Mechanism on Drugs between CELAC and the European Union, as a bi-regional forum for dialogue and cooperation built on mutual understanding on the basis of the principle of common and shared responsibility, a balanced, comprehensive, integrated and evidence based approach, in full conformity with the three international drug control conventions **that constitute the cornerstone of the international drug control system**, and other relevant international instruments ~~that constitute the cornerstone of the international drug control system~~, and, with the purposes and the principles of the Charter of the United Nations, international law, and the Universal Declaration of Human Rights with full respect for the sovereignty and territorial integrity of States, the principle of non-intervention in the internal affairs of States, all human rights, fundamental freedoms, the inherent dignity of all individuals and the principles of equal rights and mutual respect among States.

3. WE WELCOME the positive results during the first phase of the Cooperation Program on Drugs Policies between Latin America and the European Union (COPOLAD I) and we strongly support the continuation of the activities under COPOLAD II, with the full involvement of the Caribbean countries.

4. WE RECALL the Declarations of the Heads of State and Government of Latin America and the Caribbean and the European Union at the Summits that were held in Rio de Janeiro (1999), Madrid (2002), Guadalajara (2004), Vienna (2006), Lima (2008), Madrid (2010) and Santiago de Chile (2013), Brussels (2015) and the EU-CELAC Action Plan, as well as the commitments made in the bi-regional Declarations adopted at the High Level Meetings of the Mechanism.

5. WE EMPHASIZE that bi-regional cooperation should be complementary to efforts undertaken at local, national, bilateral, sub-regional, regional and multilateral levels and recognize the importance of ensuring that such cooperation aligns with agreed priorities and objectives that should take place under the principle of common and shared responsibility. We reaffirm that this principle guides all CELAC and EU States actions to ensure their equal commitment to address the World Drug Problem in all its dimensions and encourages ever greater international cooperation in strengthening national capacities on the basis of a comprehensive, balanced and multidisciplinary approach.

6. **[Placeholder on UNGASS 2016]**

WE CONSIDER UNGASS outcome document as a pivotal reference document for discussions of relevance to international drug policy in all pertinent fora and WE WILL SEEK for broad international implementation of the UNGASS recommendations.

UNDERLINING the positive cooperation between our regions in the preparations for and during the United Nations General Assembly Special Session on the World Drug Problem (UNGASS 2016), WE HIGHLIGHT our joint ambitions and priorities towards a balanced, comprehensive, and integrated approach to address the World Drug Problem in 2019, having in mind that there are important topics that need further discussion. WE ALSO HIGHLIGHT our wish to seek that any new political commitment reinforces and represents progress compared to the UNGASS commitments.

7. WE WELCOME the 2030 Agenda for Sustainable Development, and we note that efforts to achieve the Sustainable Development Goals and to effectively address the World Drug Problem are complementary and mutually reinforcing.

8. [Placeholder on bi regional dialogue]

WE EMPHASISE that bi-regional cooperation should complement efforts undertaken at local, national, bilateral, sub-regional, regional and multilateral levels and recognise the importance of ensuring that such cooperation aligns with agreed priorities and objectives and that it should take place under the principle of common and shared responsibility.

~~9. WE TAKE NOTE of the negative impact on cooperation of unilateral lists and certifications on drug trafficking and other related matters that are contrary to international law. ¹~~

On demand reduction and related measures, including prevention, and treatment as well as other health-related issues

10. WE REITERATE our commitment to promote the health, welfare and well-being of all individuals, families, communities and society as a whole, and facilitate healthy lifestyles through effective, comprehensive, scientific evidence-based demand reduction **measures initiatives** at all levels, covering, ~~in accordance with national legislation and the three international drug control conventions,~~² prevention, early intervention, treatment, care, recovery, rehabilitation and social reintegration **activities measures**, as well as **risk and harm reduction initiatives and measures** aimed at minimizing the adverse public health and social consequences of drug abuse.

11. [Placeholder on prevention]

¹ EU side proposes deletion given that this paragraph is not appropriate to be included in a bi-regional document.

² EU side proposes deletion since this is a repetition from Para 2.

12. WE COMMIT ourselves to take effective and practical primary prevention measures that protect people, in particular children and youth, from drug use initiation by providing them with accurate information about the risks of drug abuse, by promoting skills and opportunities to choose healthy **and drug free** lifestyles and **by developing** supportive parenting and healthy social environments and by ensuring equal access to education and vocational training.

13. WE SUPPORT the principle of equal access to public health services, which should guarantee broad coverage, as well as basic treatment, respecting human rights. We also welcome bi-regional cooperation ~~respecting national legislation and in accordance with the three International Drug Control Conventions, and in the context of comprehensive and balanced drug demand reduction efforts, giving consideration, as appropriate,~~³ to effective **risk and harm reduction** measures ~~aimed at minimizing the adverse public health and social consequences of drug abuse~~, including but not limited to appropriate medication-assisted therapy programmes, injecting equipment programs, as well as anti-retroviral therapy and other relevant interventions that prevent the transmission of HIV, viral hepatitis and other blood-borne diseases associated with drug use, as well as considering access to such interventions including in treatment and outreach services, prisons and other custodial settings, and promoting in that regard the use, as appropriate, of the WHO, UNODC, UNAIDS Technical Guide for Countries to Set Targets for Universal Access to HIV Prevention, Treatment and Care for Injecting Drug Users. We further agree to cooperate on and share and promote best practices, research and scientific evidence-based programmes on prevention, early intervention, treatment, and social reintegration and rehabilitation to **better** address the World Drug Problem.

14. WE ENCOURAGE the development and adoption of policies, according to national legislation, that incorporate a holistic, strengthened, balanced and multidisciplinary approach with the objective of reducing the impact of drug abuse on public health and preventing the stigmatization, marginalization and discrimination of drug ~~ab~~users.

On ensuring the availability of and access to controlled substances exclusively for medical and scientific purposes, while preventing their diversion

³ EU side proposes deletion since this is a repetition from Para 2.

15. WE CONTINUE to bi-regionally support all efforts to promote, in line with the UNGASS 2016 Outcome Document, the availability of, affordability of and accessibility to controlled substances for medical and scientific purposes exclusively, including for the relief of pain and suffering, ~~in accordance with the three international drug control conventions~~⁴ and defined by national legislation, while preventing their diversion, ~~abuse~~⁵ and trafficking. We ~~will shall~~ further focus our efforts by examining, as appropriate, domestic legislation and regulatory and administrative mechanisms, as well as procedures including domestic distribution channels, with the aim of simplifying and streamlining those processes and removing unduly restrictive impediments, when present, without undermining the capacities to ensure traceability.

16. WE ENCOURAGE to strengthen the systems, evidence-based information and research for assessing legitimate needs for medical use in order to make a correct and adequate provision of all necessary prescriptions, especially those used to relieve pain and to treat critical illnesses and/or terminal ones, and in this way establish a more effective tool to guarantee access and avoid diversion to illicit channels.

17. WE ~~RECALL REMIND~~ that ~~some exporting countries should always be aware that~~ countries require notification for some substances on transit through their territory, and in this regard, competent authorities of exporting countries should ~~take provisions to~~ inform each case **through** by the PEN online system.

On supply reduction and related measures: effective law enforcement, responses to drug related crime, countering money laundering and promoting judicial cooperation

18. WE REITERATE our commitment to protecting the safety and assuring the security of individuals, societies and communities by cooperating at all levels and focusing our efforts to prevent and counter the illicit cultivation, production, manufacture and trafficking of narcotic and synthetic drugs, as well as drug-related crime and violence.

⁴ Access to controlled substances in itself is always in accordance with the three drug conventions. Therefore the EU side is proposing deletion.

⁵ EU side proposes deletion of wording related to drug use since this paragraph does not refer to drug use but to access and distribution.

19. WE RECOGNIZE the challenge originated by the use of the internet for drug related criminal activities. In accordance with UNGASS 2016 Outcome Document, we encourage countries, in coordination with the political and technical levels, to share information, views and best practices and to increase the provision of technical assistance and capacity-building, including training and acquisition of equipment that anticipate the early and effective detection, to prevent, address and counter the use of **the internet technologies** by drug trafficking networks and transnational criminal organizations.

20. WE STRESS the need to implement joint preventive and law enforcement measures, where appropriate, to identify, disrupt and dismantle transnational organized criminal groups involved in drugs trafficking, as well as all other forms of criminal activity that may be linked to the trafficking in narcotic drugs and psychotropic substances, such as money-laundering, trafficking in persons, the smuggling of migrants and arms trafficking.

21. WE WILL CONTINUE joint actions, where appropriate, aimed at sharing information and transferring technologies among law enforcement authorities in order to better trace international money laundering and precursors deviation routes, and we are committed to strengthening judicial cooperation and mutual legal assistance to better identify, investigate, prosecute and sanction individuals and organizations -in particular financial ~~entities institutions~~- engaged in money laundering and other drug-related criminal activities in accordance with national and international legal frameworks including, where possible, the seizure and recovery of the assets involved.

21 BIS. WE COMMIT to strengthen national, regional and international monitoring of chemicals used in the illicit manufacture of drugs and new psychoactive substances, with a view to more effectively preventing the diversion of and trafficking in those chemicals, while ensuring that the legitimate trade in and use of those chemicals are not adversely affected, including by using national, sub-regional and international reporting systems and International Narcotics Control Board tools such as Project Prism, the Precursors Incident Communication System and Pre-Export Notification Online (PEN Online).

22. ~~WE NOTE that the large volumes of seized illegal drugs, in both regions, destined for consumer markets are indicative for the volume of the demand for illegal drugs. We also note that various studies indicate that drug trafficking, as a supply mode, and in some instances the countering of it, has multiple and severe negative impacts on the development of in particular the transit countries. Therefore, as supply and demand reinforces each other, we call upon all participants of this bi regional mechanism, based on the principle of common and shared responsibility and the international and treaty obligation to reduce the demand for drugs, to simultaneously with the development and implementation of supply reduction strategies, continue to develop and implement effective prevention strategies.~~⁶

23. WE RECOGNIZE that each state faces different challenges that require a customized approach and reaffirm the continuing need for cooperation and support, with a continued commitment to working together to develop comprehensive capacities and strategies to counter the challenges posed by new and existing drug trafficking routes and new technologies and methods used by traffickers, including the provision of technical assistance, to, inter alia, enhance their capacities to effectively address and counter the World Drug Problem.

WE ALSO HIGHLIGHT the efforts made by the EU and participating **CELAC** countries including, inter alia, in the Cocaine Route Program and **El PACto programme (Europa-Latinoamérica Programa de asistencia contra el crimen transnacional organizado: por el Estado de Derecho y la seguridad ciudadana)**.

On drugs and human rights, youth, women, children, vulnerable members of society and communities

⁶ EU side proposes deletion as prevention is already addressed in para 10, 11 and 12

24. **[Placeholder on drugs and human rights]**

WE REITERATE our commitment to respecting, protecting and promoting all human rights, fundamental freedoms and the inherent dignity of all individuals and the rule of law in the development and implementation of drug policies. We also agree to ensure that our national drug policies, as part of a comprehensive, integrated and balanced approach fully respect all human rights and fundamental freedoms and protect the health, safety and well-being of individuals, families, vulnerable groups of society, communities and society as a whole.

25. In line with the 2030 Agenda and the UN General Assembly Resolution S-30/1, WE HIGHLIGHT the need to mainstream a gender perspective and ensure the involvement of women in all stages of the development, implementation, monitoring and evaluation of drug policies and programs, develop and disseminate gender-sensitive and age-appropriate measures that take into account the specific needs and circumstances faced by women and girls with regard to the World Drug Problem and, as States parties, implement the Convention on the Elimination of All Forms of Discrimination against Women.

26. **[Placeholder on women economic empowerment]**

27. WE WILL ENSURE that measures to prevent illicit cultivation of and to eradicate plants containing narcotic and psychotropic substances respect fundamental human rights, take due account of traditional licit uses, where there is historic evidence of such use, and the protection of the environment, in accordance with the three international drug conventions, and also take into account, as appropriate and in accordance with national drug control legislation, the United Nations Declaration on the Rights of Indigenous Peoples.

27. bis We regret that the UNGASS outcome document lacks any reference towards the abolition of the death penalty. We reaffirm our common regional position that that death penalty should be globally abolished and we condemn the use of the capital punishment in all circumstances. The death penalty undermines human dignity, while failing to act as a deterrent to criminal behaviour and we urge all States to engage in this debate in the course of future discussions.

On proportionate and effective policies and responses, as well as legal guarantees and safeguards pertaining to criminal justice proceedings and the justice sector

28. WE NOTE that in our respective regions we have different legal systems with different sanctions for drug-related offences. However, we do note that we aim for proportionate sanctions within national legislations and with full respect for the international framework

29. WE AGREE to promote proportionate national sentencing policies, practices and guidelines for drug-related offences, in accordance with the provisions of the drug control conventions and national legislation, whereby the severity of penalties is proportionate to the gravity of offences and whereby both mitigating and aggravating factors, ~~including a gender perspective~~⁷, are taken into account, while attaching great importance to human dignity and human rights.

30. WE ENCOURAGE, in line with national legislations, to consider the development, adoption and implementation of alternative or additional measures to **coercive sanctions conviction and punishment** in the application of justice concerning drug related offences, consistent with the three United Nations drug control conventions, international law and relevant UN standards. We invite the participants of this bi-regional mechanism to consider evidence-based treatment, care, rehabilitation and social re-integration practices and community-based support services for drug dependent persons in prisons, as appropriate, as well as the transition from penitentiary institutions to the community, securing continuum of care.

⁷ EU side proposes deletion so as to respect the principle of equality before the law.

On cross-cutting issues in addressing and countering the world drug problem: evolving reality, trends and existing circumstances, emerging and persistent challenges and threats, including new psychoactive substances, in conformity with the three international drug control conventions and other relevant international instruments

31. WE RECOGNIZE that there are persistent, new, and evolving challenges that should be addressed in conformity with the three international drug conventions, which allow for sufficient flexibility for state parties to design and implement national drug policies according to their priorities and needs, consistent with the principle of common and shared responsibility and applicable international law.

2. WE REAFFIRM our commitment to increase the bi-regional dialogue and cooperation in order to address the main challenges, risks and opportunities that the two regions face, with specific attention paid to the misuse of Internet and the rise of new psychoactive substances. Sustained information exchange at the regional and bi-regional levels on effective prevention and treatment and related legislative responses to these threats to support the development of effective, evidence-based responses to the emerging challenge of new psychoactive substances with regard to their adverse social and health consequences is also required.

32 bis. WE RECOGNISE and commit to address the challenges posed by new psychoactive substances and the involvement of organized criminal groups in their production and distribution. In this regard, we recognize the importance of capacity-building in order to address this matter.

~~WE ARE AWARE~~ that synthetic drugs including new psychoactive substances offer criminal organizations new opportunities for illicit production and distribution among different channels, like the internet. In this regard, we need to design and implement national drug policies, taking into account the priorities and needs of States, as well as the persistent challenges, new and changing, within the framework of the three international drug control conventions redesign public policies in the area of drug trafficking and to assume the commitment to share information regarding synthetic drugs production, distribution and routes including developing early warning systems and enhancing capacity of national laboratories and law enforcement agencies for the detection and identification of new psychoactive substances.⁸

33. [Placeholder on microtrafficking]

We PROMOTE exchange of information to better understand the extent of adverse impacts, including the health, social and economic and safety impacts, of drug trafficking in small quantities in order to develop, where appropriate, effective responses to counter micro trafficking;

34. WE COMMIT to ~~TAKE ACCOUNT OF~~ the need to develop, as appropriate, drug policy indicators and tools for the collection and analysis of accurate, evidence-based, reliable and comparable data on all relevant aspects of the World Drug Problem taking into consideration the 2030 Agenda for Sustainable Development.

35. WE WELCOME increased cooperation between the UNODC and other relevant UN bodies, within their respective mandates, on drugs, human rights, youth, women, children, vulnerable members of society and communities, as well as on the implementation of relevant UN Conventions addressing those issues.

⁸ The EU side would propose to use the agreed language from the Hague declaration to include challenges of Internet and new psychoactive substances.

36. **[Placeholder on cooperation with third countries]**

WE COMMIT to strengthen, including through the Commission on Narcotic Drugs and, as appropriate, its subsidiary bodies, the regular exchange of information, good practices and lessons learned among national practitioners from different fields and at all levels to effectively implement an integrated and balanced approach to the world drug problem and its various aspects and consider additional measures to further facilitate meaningful discussion among those practitioners;

On alternative development on development-oriented balanced drug control policies, and on addressing socioeconomic issues

37. WE COMMIT to continue efforts in the context of long-term and sustainable development programmes to address the most pressing drug-related socioeconomic factors, including unemployment and social marginalization.

38. WE REITERATE our commitment to strengthen sub regional, regional and international cooperation to support comprehensive and sustainable alternative development programs, including, as appropriate, preventive alternative development, as an essential part of successful prevention and crop control strategies to increase the positive outcome of such programs, especially in the areas affected by and at risk of illicit cultivation of crops used for the production of narcotic drugs and psychotropic substances, taking into account the United Nations Guiding Principles on Alternative Development and the operational recommendations related to alternative developments included in the UNGASS 2016 Outcome Document.

39. **[Placeholder on rural development]**

40. **[Placeholder on urban development]**

41. WE AGREE to convene the XX High-Level Meeting of the Coordination and Cooperation Mechanism on Drugs between CELAC and the European Union in 2018 under the co-presidencies of XXXXX.